

SENATE BILL No. 210

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-3-1.

Synopsis: Misdemeanor probation. Provides that the maximum term of probation for any class of misdemeanor is one year, notwithstanding the maximum term of imprisonment for the misdemeanor. Provides that a combined term of imprisonment and probation for any class of misdemeanor may not exceed one year.

Effective: July 1, 2001.

Ford

January 9, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 210

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-50-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The court may
3 suspend any part of a sentence for a misdemeanor.
4 (b) Except as provided in subsection (c), whenever the court
5 suspends **in whole or in part** a sentence for a **Class A, Class B, or**
6 **Class C** misdemeanor, it may place the person on probation under
7 IC 35-38-2 for a fixed period of not more than one (1) year,
8 **notwithstanding the maximum term of imprisonment for the**
9 **misdemeanor set forth in sections 2 through 4 of this chapter.**
10 **However, the combined term of imprisonment and probation for**
11 **a misdemeanor may not exceed one (1) year.**
12 (c) Whenever the court suspends a sentence for a misdemeanor, if
13 the court finds that the use or abuse of alcohol, drugs, or harmful
14 substances is a contributing factor or a material element of the offense,
15 the court may place the person on probation under IC 35-38-2 for a
16 fixed period of not more than two (2) years. However, a court may not
17 place a person on probation for a period of more than twelve (12)



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1 months in the absence of a report that substantiates the need for a
2 period of probation that is longer than twelve (12) months for the
3 purpose of completing a course of substance abuse treatment. A
4 probation user's fee that exceeds fifty percent (50%) of the maximum
5 probation user's fee allowed under IC 35-38-2-1 may not be required
6 beyond the first twelve (12) months of probation.

7 SECTION 2. [EFFECTIVE JULY 1, 2001] **IC 35-50-3-1, as**
8 **amended by this act, applies to misdemeanors committed after**
9 **June 30, 2001.**

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